

SN 10/612,283
Amendment Dated 9/21/2007
Reply to OA mailed 9/12/2007

Atty Docket # J103UB02US00

REMARKS

1. Objections – Specification

Abstract

The abstract of the disclosure was objected to because it is not a single paragraph. Correction is hereby made to the abstract to delete the second paragraph and add the contents of the deleted second paragraph to the first paragraph, thereby forming a single paragraph.

Claims

Claim 22 was objected to because of the following informalities: "selected characteristic or each of the plurality of items" in line 4 appears to be a typographical error. Claim 22 is canceled.

2. Claim Rejections -35 USC § 103

Claims 1, 3, 4, and 8-10 are amended. Claims 19-22 are cancelled.

Independent claims 1, 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg, U.S. Pat. No. 4,656,591 in view of Bruns, U.S. Pat. Pub. No. 2004/0107151.

Regarding original claim 1 the office action states Goldberg teaches a method operable on a computer for selecting and packaging items for mailing, comprising the steps of, inter alia, receiving a customer order specifying a plurality of items for shipping by mail (citing Goldberg column 4, lines 15-16). Column 4 lines 15-16 of Goldberg states: "The apparatus detailed below has a conveyor system whose loading end L receives packages of merchandise to be distributed to respective sites that are assigned to the consignees of a group of orders being processed."

Applicant respectfully disagrees with the above assertion of the office action with respect to amended claim 1. Goldberg, as cited, discusses receiving packages at an end of a conveyer belt. In contrast applicant's claimed feature recites receiving a customer order specifying a plurality of items for shipment (i.e., a "customer order" as defined by applicant is a specification for items for shipment.

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In contrast the packages placed at an end of the conveyer belt of Goldberg are not specifications, they are the items themselves.) A teaching that packages are received at one end of a conveyer belt is not a teaching of receiving a customer order specifying a plurality of items for shipment. A system in which a customer order specifying items for shipment (i.e., a specification) is placed on one end of a conveyer belt would certainly be inoperative in both the Goldberg apparatus and in the context of applicant's invention.

The office action asserts Goldberg teaches retrieving a selected characteristic for each of the plurality of items (column 2, lines 26-27). Applicant respectfully disagrees. The cited portion of Goldberg states: "The packages in inventory bear machine-readable codes that identify or characterize the package contents. Scanning of a package triggers a search in the computer storage to select an order requiring that item." Therefore, the contents of a package are already characterized because they bear a machine readable code that identifies or characterizes the package contents.

Applicant's claim 1 is amended to recite, in relevant portion, "... the determining step carried out based on the identifiers, the stored item characteristics corresponding to the identifiers and the postal costs for packages. " Neither Goldberg nor Bruns, taken alone or in combination teaches or suggests this feature of applicant's claim 1.

Neither Goldberg nor Bruns, taken alone or in combination, teaches or suggests "storing a list comprising identifiers corresponding to items of the customer order" as recited in applicant's amended claim 1. Support for this amendment is found, for example, in applicant's specification on page 5 wherein is stated, "...database 36 contains postal rate data and customer order data..." Further support is found in applicant's specification on page 9 lines 6-14 wherein is stated "...the customer order data includes at least the order information contained in table 42 of Fig. 4..." Figure 4 illustrates "item IDs" as customer order data at 42. Further, Figure 5 illustrates item identifiers at 43 comprising item characteristics.

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Neither Goldberg nor Bruns, taken alone or in combination, teaches or suggests "...automatically determining a number of packages comprising the shipment and determining which specified items of the customer order will be contained in each package ; the determining step carried out based on stored item characteristics corresponding to specified items comprising the customer order and further based on said stored postal costs for packages such that a postal cost for the shipment is optimized." Support for this feature of applicant's claim 1 is found in applicant's specification, for example, on page 9 lines 6-8, wherein is stated "...there is calculated the number of packages necessary to fulfill a customer order..." Further, on page 9 line 31 to page 10 line 1 there is stated, "...the exact item contents of each package is determined (step 102)..."

Support for applicant's recitation of a "determining step carried out based on stored item characteristics...and stored postal costs..." is found in applicant's specification, for example, on page 9 lines 15 -20 wherein is stated, "...the list of ordered items is retrieved from the customer order data and the pertinent mail characteristics for each ordered item are retrieved from table 43..."

The remarks made above with respect to claim 1 apply as well to independent claim 10. The remaining claims in the case depend from either claim 1 or 10. In view of the amendments and arguments presented herein applicant believes the rejections set forth in the official action with respect to claims 1 and 10 have been fully addressed. Therefore, applicant believes, in view of the preceding amendments and remarks, all claims remaining in this application stand in condition for allowance. Reconsideration and allowance of claims 1-18 is respectfully solicited.

Respectfully submitted,



September 21, 2007

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